



Inter Department Correspondence Sheet

TO: Members of Council

FROM: Richard Allan Bull, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

March 14, 2022

Attached are the minutes from the City Council Meeting held on March 8, 2022.

Richard Allan Bull
City Clerk

NORFOLK, VIRGINIA

MEETING OF COUNCIL

TUESDAY, MARCH 8, 2022

Mayor Kenneth Cooper Alexander, called the meeting to order at 4:00 p.m. with the following members present: Mrs. Courtney R. Doyle, Mrs. Andria P. McClellan, Mr. Paul R. Riddick, Ms. Danica J. Royster, Mr. Tommy R. Smigiel Jr., and Vice Mayor A. Martin Thomas Jr. Mrs. Mamie B. Johnson was present electronically.

CLOSED SESSION

Motion for closed session was approved at 4:01 p.m. for purposes which are set out in **Clause 3 and 8** of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act, as amended:

- (3) Discussion of the disposition of publicly held real property in the 35th Street Corridor and Military Circle Area where discussion in an open meeting would adversely affect the negotiating strategy of the public body.
- (8) Consultation with legal counsel of the City of Norfolk concerning car tax relief requiring advice by our legal counsel.

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr.,
Alexander

NO: None.

AGENDA

Announcements

Dr. Filer stated that the mask mandate will expire on March 18th unless a mask is required by the nature of a specific job. Visitors to city buildings and facilities will not be required to wear masks unless they choose to. Signage regarding Covid symptoms will remain posted.

Mr. Melita briefed Council on Docket items R-1 and R-2 on tonight's docket that were continued from the February 22nd meeting. He explained the Virginia Residential Landlord Tenant Act does not protect people staying in a short-term rental for less than 90 days. They are essentially the equivalent of a hotel or motel guest and can be put out of the unit if they are not following house rules or otherwise not complying with the law or being disruptive. If a tenant has a lease agreement, written or oral, for longer than 90 days, the Virginia Residential Landlord Tenant Act applies, and

they can only be removed from the premises pursuant to the court process of the eviction.

The applicant for R-1 and R-2 is asking approval to make two small apartment buildings short-term rentals and then use them exclusively for that purpose. When the applicant acquired the property, there were long-term tenants in the buildings. At the Planning Commission's public hearing she stated she was attempting to complete the eviction process with the remaining long-term tenants so that all the units would be available for use as short-term rentals.

Mr. Melita noted that Planning Commissioner Kim Sudderth had expressed concerns to Council about the eviction process and her reasons for recommending denial of the application.

Mr. Smigiel stated that he would forward an email to Council explaining what has been happening with the tenants who have been sabotaging and damaging the properties. He added that the applicant is planning to sell the building to another short-term rental operator. He stated that the civic league is in favor of the short-term rental because there are high-crime issues happening in these units. He added that six commissioners voted in favor of approving the application. *(A video from the Planning Commission public hearing was presented.)*

Councilwoman McClellan stated that the implication is that the applicant is trying to change these properties short-term rentals simply to remove the problem tenants when in fact the eviction process had been on-going prior to the decision to apply for use as a short-term rental.

Mid-Eastern Athletic Conference (MEAC) Tournament Kickoff

*Presenters: Mr. John Rhamstine, Director, Cultural Facilities
Ms. Sonja Stills, Commissioner, Mid-Eastern Athletic Conference*

Mr. Rhamstine announced that 2022 is year one of a new three-year agreement for the MEAC to play their men's and women's basketball tournaments in the City of Norfolk. He introduced MEAC's new Commissioner, Ms. Sonja Stills, and commented on her background and experience.

Ms. Stills stated this is the MEAC's tenth year in the City of Norfolk, which has been a great place for the tournament to grow. She added that Norfolk is a very welcoming city to the tournament, and they are thankful to continue coming here. It has been very important for them to connect to the community, and now that Covid has subsided, they hope to get back to conducting youth clinics and other engagements.

Citizen Review Board Panel Update

*Presenters: Dr. Larry H. Filer, City Manager
Mr. Michael G. Goldsmith, Deputy City Manager*

Mr. Goldsmith stated that R-6 on tonight's docket establishes Norfolk's Citizen Review Board. The presentation provides an update on its status and the next steps to make this Board operational. He next reviewed the table outlining each component and its status.

Item	In Process (Yes/No)	Estimated Time to Completion
Applications	Yes	60 days
Develop Training Curriculum	Yes	30 days
Standard Operating Procedure	Yes	30 days
Staffing	No	TBD (July 1)
Procuring Outside Counsel	Yes and No	TBD

Board Composition

- Active members
 - 1 from each Ward and Superward
 - Norfolk resident
 - 21 years of age
 - No felony convictions within 10 years of application
 - No crimes involving dishonest acts or false statements
 - No dishonorable discharge within 10 years of application
- Alternate members follow same pattern and criteria
- Must reflect diversity of the City

Terms

- 3-year term
- Initial terms staggered for continuity
- Wards 2, 3, and Superward 6 serve an initial term of 2 years
- Wards 1, 4, 5, and Superward 7 serve an initial term of 3 years
- Staffing and Outside Counsel
- Staffing
 - Need administrative staff person
 - Analytic staff
 - Staff with experience in summarizing and presenting investigative materials
- Outside Counsel

- Need to retain outside counsel to advise the Board on legal and Human Resources (HR) processes surrounding the Police Department

Mr. Goldsmith stated that an administrative staff person, analytics staff, and staff with experience in dealing with cases of this nature are needed to provide summaries to the Board. He added this Board will have to do a lot of work to accomplish their task. Utilizing an outside attorney would be best because using a city attorney might create a conflict of interest to occur. On creating this Board, they sought many opinions and consulted the National Association for Civilian Oversight of Law Enforcement and the Center for Policing Equity. They also consulted with the City Attorney's office and the Office of Diversity, Equity, and Inclusion.

Councilwoman Royster stated that the framework presented tonight is robust, but there are many things that have not been addressed. She stated she did not agree with some of the guidelines, such as someone's non-eligibility if they have served on another board or commission [Sec. 2-565.2 (5)]. She asked:

- What is the process beyond functionality?
- Will the Board offer recommendations to the City Manager and Police Chief?
- Will there be discussion if the City Manager or Police Chief decides to move forward or not move forward with recommendations from the Board?
- Will the Board have access to the same data from the Center of Policing Equity to help make policy recommendations?
-

Councilwoman Royster stated that she wants to ensure we are taking into consideration procedural justice being implemented, as well.

Mr. Goldsmith stated that the first step is getting this ordinance to Council so that we can start taking applications for the Board. The next step will be developing the Standard Operating Procedures (SOP) and establishing the bylaws. The Board will receive all the data and everything the Internal Affairs investigators receive, which includes body worn camera video and any evidence that is collected in reference to an administrative investigation. The SOP will state what happens with the Chief and the City Manager, and if they do not concur with the Board's recommendations, it forces a meeting between them to discuss why.

Councilwoman McClellan expressed concern about Section 2-565.2 (5) regarding having served on a Board, Commission, etc., for the past six years. She stated she does not agree with that. She stated that is not a requirement for any other Board, Commission, etc. and confirmed with Mr. Bull that it is not on any application or policy or procedure that exists currently.

Mr. Goldsmith stated part of the language was to try to ensure equity for those wanting to serve on this Board. Councilwoman McClellan stated that potential candidates for this Board should be interviewed by City Council, and they will ensure diversity and fairness in the makeup of the Board.

Councilwoman McClellan stated she also disagreed with not allowing someone who has served on a similar review or advisory board, etc., who are charged with reviewing law enforcement conduct and/or policies, practices, etc. She stated that someone with that level of expertise should be able to serve on this Board.

Mayor Alexander stated that the language in the Ordinance was trying to reach those individuals from marginalized communities who may not have been selected in the past to serve on Boards, Commissions, etc. He agreed that six years might be a bit too much and maybe we can reach our goals in a different way. He added that the language in (7) needs to address if someone has been exonerated or absolved.

Councilman Smigiel echoed Councilwoman McClellan's concerns and he suggested striking the language pertaining to having served on another Board, Commission, etc. in the last six years. He stated we have citizens currently serving who may now be interested in serving on this new Board and coming off their current Board, Commission, etc. We do not have that rule with any other Board, Commission, etc., and we should not set a precedent. He stated that City Council can evaluate candidates during the interview process and whether they are qualified to serve.

Councilman Smigiel suggested providing a stipend because this Board requires a heavy time commitment. He suggested that Board members adhere to the same statement of economic interest that other Board and Commission members' sign.

Mayor Alexander asked the Administration to address Council's comments and bring the Ordinance back to Council as soon as possible.

City Planning Update

Presenter: Mr. George Homewood, Director of Planning

Mr. Homewood reported on two upcoming applications as follows:

Zoning Text Amendment – Create Inn Use

- Establish "Inn" as a use and create performance and parking standards in the Zoning Ordinance
- Accommodate the need for a use that is smaller in scale than a hotel but is slightly more intense than a Bed and Breakfast
- Provide another potential for adaptive reuse
- Establish Performance standards
- Establish where use is allowed by right or by Conditional Use Permit

Definition

- A building or group of buildings at least 40 years old
- Offers lodging units for no more than 30 days
- Offers services to guests and/or the public which may include:

- Pool
- Fitness room
- Spa
- Dining room
- Meeting room
- Business center
- Restaurant
- At least one meal per day must be offered to guests staying at the facility
- Management on site when Inn is occupied
- At least one bathroom must be provided for each guest bedroom in the Inn.

(Two graphs presented: comparison to Bed and Breakfast, Hotel, and Short-Term Rental; and districts where they are permitted.)

Recommendation

- Staff recommends that a text amendment to add “Inn” as a use in the Zoning Ordinance be approved.
- Norfolk has a concentration of large historic and uniquely significant structures located both in our neighborhoods and commercial areas.
- Providing flexibility for their adaptive reuse is key to maintaining these structures.

Zoning Text Amendment to Create Inn

City Planning Commission Recommendation

- City Planning Commission, by a vote of 5-0, recommends approval
- During the public outreach phase, staff met with the Ghent Neighborhood League, and they expressed concerns about parking and commercial uses encroaching into their neighborhood.
- Although no one spoke in opposition to the proposed text amendment at the Planning Commission public hearing, letters of opposition were received by staff noting the issues above.

Mayor Alexander asked why 40 years is used under this definition. Mr. Homewood stated 40 years is the period at which tax abatement becomes a possibility because converting a residential structure into an inn would require some significant capital investment.

Councilman Smigiel asked if these inns will be required to have fire sprinkler systems. Mr. Homewood answered yes.

Councilwoman Royster asked how parking will be addressed and especially in residential areas where off-street parking is limited. Mr. Homewood stated that not every application will come before Council. He stated that some things are permitted as a matter of right and will fall under the normal parking requirements of the character

district the inn is located in. In some areas a Conditional Use Permit will be required and those are reviewed on a case-by-case basis.

Councilman Riddick asked if individuals not staying in the inn can use their restaurant. Mr. Homewood stated yes. He added if the inn wants to have a restaurant, it would be a small restaurant. It would not be a nightclub or entertainment establishment.

The Monument Companies

Rezoning and Conditional Use Permit

Location

- 500-519 34th Street and 500-508 Lamberts Point Road
- West side of Colonial Avenue between 35th Street and Lamberts Point Road
- Existing Conditions
- Former Park Place Methodist Church and gravel parking lot
- Proposal
- Adaptive reuse of the existing church as 60 apartments and addition of 6 townhouses
(Photographs and a site plan were presented.)

Norfolk Historic Landmark

- The Park Place Methodist Church has two structures both of which are listed as Contributing structures.
- On January 24th the Architectural Review Board (ARB) considered a request by the applicant to have the church listed as a Norfolk Historic Landmark.
- The request was approved by an 8-0 vote.
- This will require that any future modifications to the church, not the townhomes, be reviewed by the ARB.

The Monument Companies

City Planning Commission Recommendation

- City Planning Commission, by a vote of 5-0, recommends approval
- At the hearing, several of the tenants who currently use the Church for offices and service delivery space spoke in opposition to the requests.
- Their concerns ranged from the use of a church for residential to the potential loss of space to provide services to the community.

The City Planning Commission Annual Report was provided to City Council. The report summarizes all Planning Commission activity for the year. Mr. Homewood noted that short-term rentals have increased applications for Conditional Use Permits.

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, MARCH 8, 2022 – 7:00 P.M.

MOMENT OF SILENCE

Followed by the Pledge the Allegiance.

ROLL CALL

Attendee Name	Title	Status	
Courtney R. Doyle	Councilmember - Ward 2	Present	
Mamie B. Johnson	Councilmember - Ward 3	Remote	
Andria P. McClellan	Councilmember - Superward 6	Present	
Paul R. Riddick	Councilmember - Ward 4	Present	
Danica J. Royster	Councilmember - Superward 7	Present	
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present	
Martin A. Thomas Jr.	Vice Mayor	Present	
Kenneth Cooper Alexander	Mayor	Present	
Bernard Pishko	City Attorney	Present	
Richard A. Bull	City Clerk	Present	
Dr. Larry H. Filer II	City Manager	Present	

RESOLUTION

A Resolution approving the participation through electronic communications by Councilwoman Mamie B. Johnson in the Norfolk City Council meeting on March 8, 2022.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander
AWAY:	Mamie B. Johnson

APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

CLOSED SESSION RESOLUTION

A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

PUBLIC HEARING

PH-1 Public Hearing scheduled this day, pursuant to State Law, to hear comments regarding changes to some **Ward and Superward boundaries** and composition resulting from the population data of the 2020 census.

Ron Fritch, 7653 Manassas Court, spoke in opposition to this matter as presented.

Public comments will continue on March 22, 2022.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

ACTION:	Consent Agenda Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- C-1 An Ordinance directing the City Treasurer to issue a refund to **Piedmont Hawthorne Aviation, L.L.C.**, based upon the overpayment of its Business License Tax for the Tax Year 2021. - **(Ordinance No. 48688)**
- C-2 An Ordinance directing the City Treasurer to issue a refund to **CACI Technologies, LLC** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, and 2016. - **(Ordinance No. 48689)**
- C-3 An Ordinance directing the City Treasurer to issue a refund to **CACI-ISS, LLC** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, 2016, and 2017. - **(Ordinance No. 48690)**
- C-4 An Ordinance directing the City Treasurer to issue a refund to **CACI Enterprise Solutions, LLC** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, 2016, and 2017. - **(Ordinance No. 48691)**
- C-5 An Ordinance directing the City Treasurer to issue a refund to **CACI Dynamic Systems, LLC** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, and 2016. - **(Ordinance No. 48692)**
- C-6 An Ordinance directing the City Treasurer to issue a refund to **CACI-Athena, LLC** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, and 2016. - **(Ordinance No. 48693)**
- C-7 An Ordinance directing the City Treasurer to issue a refund to **CACI, Inc. - Federal** based upon the overpayment of its Business License Tax for the Tax Years 2013, 2014, 2015, 2016, and 2017. - **(Ordinance No. 48694)**

- C-8 Norfolk NATO Festival has requested use of the **Mace and Police Honor Guard** for the 69th Anniversary of the Norfolk NATO Festival Flag Raising Ceremony on April 28, 2022 at 5:00 p.m. and for the Parade of Nations on April 30, 2022 at 10:00 a.m. – **(Received and Filed)**
- C-9 An Ordinance Approving a **Performance Agreement** by and Among SLNWC Office Company, L.L.C., the City of Norfolk, Virginia Arts Festival, Inc., and Project Bandaloop, Permitting Project Bandaloop's Use of the Building Located at **440 Monticello Avenue** in the City of Norfolk, Virginia for its Vertical Dance Performance as Part of the Virginia Arts Festival, and Authorizing the City Manager to Execute the Performance Agreement on Behalf of the City of Norfolk. - **(Ordinance No. 48695)**

REGULAR AGENDA

- R-1 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **9627 14th Bay Street**. - **(Ordinance No. 48696)**

Todd Miller, 3429 W. Cary Street, Richmond, spoke in favor of this matter.

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Riddick

- R-2 An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **9608 15th Bay Street**. - **(Ordinance No. 48697)**

Todd Miller, 3429 W. Cary Street, Richmond, spoke in favor of this matter.

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Riddick

- R-3 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Nightclub Named “California Burrito” and “The Back Social Club” on Property Located at **319 Granby Street**.

Robyn Thomas, 741 Graydon, architect, spoke in favor of this matter.

Miguel Roldan, 500 Botetourt Court, applicant, spoke in favor of this matter.

Vincent Hodges, 622 Raleigh Avenue and Wayne Pehrson, spoke in favor of this matter.

Mary Miller from the Downtown Norfolk Council was present in opposition to this matter but did not wish to speak.

ACTION:	Lost [1 to 7]
AYES:	Riddick
NAYS:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-4 An Ordinance Accepting with Appreciation the Donation of Several Directional **Civil War Trail Marker Signs** to be Installed in Elmwood and West Point Cemeteries. - **(Ordinance No. 48698)**

ACTION:	Adopted [7 to 1]
AYES:	Doyle, Johnson, McClellan, Royster, Smigiel Jr., Thomas Jr., Alexander
NAYS:	Riddick

- R-5 An Ordinance Authorizing the Amendment of the Cable Television Franchise Between the City and **Cox Communications Hampton Roads, LLC** And Authorizing the City Manager to Execute the Amendment to the **Franchise Agreement** on Behalf of the City. - **(Ordinance No. 48699)**

Barrett Stork, representative of Cox Communications, was present to answer questions in this matter.

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-6 An Ordinance Amending Article IV of Chapter 2 Of the *Norfolk City Code* SO AS TO create a **Citizen Review Board**.

ACTION:	Continued Generally [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-7 An Ordinance Amending and Reordaining Ordinance No. 48,599 SO AS TO **Amend Exhibits A and B** Attached to the Ordinance. - **(Ordinance No. 48700)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

- R-8 A Resolution Suspending **Norfolk's Sister City Relationship with Kaliningrad**. - **(Resolution No. 1857)**

ACTION:	Adopted [Unanimous]
AYES:	Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr., Alexander

NEW BUSINESS

Vincent Hodges, 622 Raliegh Avenue spoke about the infrastructure money the city will receive and asked that a grocery store be considered for the underserved communities.

Pastor Calvin A. Durham, 3232 Brest Avenue, commented on the Lindenwood Elementary School being rebuilt.

Gerald McLamore, 525 Frederick Street, commented on the lack of underground railroad markers throughout the city.

Alton Robinson, 5116 East Princess Anne Road, stated that he thought there was a moratorium on the purchase of gem lots in the city.

Robert Bracknell, 718 Connecticut Avenue commented on the Citizen Review Board Ordinance.

Monet Johnson, 3505 Argonne Avenue, spoke about the amount of money NRHA was charging her for a FOIA request.

Vincent LaSalle, 4132 Reservoir Avenue commented on the discussion the council was having on the personal property tax rate.

Sharon Houston, 1955 Gray Falcon Avenue spoke regarding Mr. Riddick's announcement to retire after 30 years and thanked him for his work with the community.

Mary Simpson Jones, 7505 Paulin Court, commented that the Evelyn Butts art in her community should be removed and redone and about council representative.

ADJOURNMENT